

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Eugene Cason, # 1870,)	C/A No. 2:05-2715-GRA-RSC
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
J. Al Cannon, Sheriff of Charleston County;)	
Charleston County Detention Center; and)	
McDaniel Supply Company,)	
)	
Defendants.)	
)	

This is a civil rights action. The above-captioned case arises out a civil rights action originally filed by two prisoners, Edward B. Bennett and Eugene Cason v. J. Al Cannon, et al., Civil Action No. 2:05-2634-GRA-RSC. In an order filed in Civil Action No. 2:05-2634-GRA-RSC on September 16, 2005, the Honorable Robert S. Carr, United States Magistrate Judge, directed the Clerk of Court to terminate Eugene Cason as a plaintiff and to assign a separate civil action to Eugene Cason. The above-captioned case is the resulting new civil action to address Eugene Cason's claims.

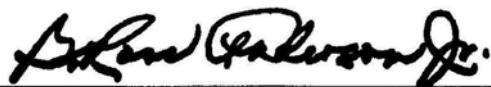
This matter is before the court because of the plaintiff's failure to comply with the magistrate judge's order of September 29, 2005 (Entry No. 4). In the order of September 29, 2005, Magistrate Judge Carr directed the plaintiff to submit an amended complaint, answer the questions on page two of the amended complaint form, complete a Statement of Assets, and submit Forms USM-285.

A review of the record indicates that the magistrate judge ordered the plaintiff to submit items needed to render this case into "proper form" within twenty days, and that if he failed to do so, this case would be

dismissed *without prejudice*. The plaintiff has failed to respond to the magistrate judge's order.

Accordingly, the above-captioned case is dismissed *without prejudice*. The Clerk of Court shall close the file.*

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

Anderson, South Carolina
October 27, 2005

* Under the General Order filed on June 4, 1997, this dismissal *without prejudice* does *not* count as a "strike" for purposes of the "three strikes" provision of 28 U.S.C. § 1915(g). If the plaintiff wishes to bring this action in the future, he should obtain new forms for doing so from the Clerk's Office in Columbia (901 Richland Street, Columbia, South Carolina 29201).